

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
3470 Twelfth Street, Riverside, CA 92501
CIVIL MINUTES -- GENERAL

JS - 6

Case No. ED CV 08-01723-SGL(SSx)

Date: January 21, 2009

Title: LUIS A. BONILLA -v- COUNTRYWIDE HOME LOANS, ET AL.

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes
Courtroom Deputy Clerk

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None present

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

PROCEEDINGS: ORDER SUMMARILY DISMISSING RICO CLAIM; ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; ORDER VACATING HEARING DATE

On December 4, 2008, defendants filed a motion to dismiss all the claims in the complaint. The caption on defendants' motions showed that the hearing on them was noticed for March 2, 2009. The Court thereafter re-scheduled the hearing on the motion to January 26, 2009. In the order re-scheduling the matter to the present hearing date, plaintiff was specifically apprised that he had until January 15, 2009, to file an opposition to the motion to dismiss. Contemporaneously, on January 8, 2009, the Court issued an Order requiring plaintiff to file a RICO case statement within fourteen days of the Order or the Court would deem the lack to do so as plaintiff's voluntary dismissal of his RICO claim. Plaintiff has not filed a RICO case statement within the allotted time and therefore is deemed to have voluntarily dismissed that claim.

This district's Local Rules provide that "[e]ach opposing party shall, not later than ten (10) days after service of the motion in the instance of a new trial motion and not later than fourteen (14) days before the date designated for the hearing of the motion in all other instances." See Local Rule 7-9. Accordingly, plaintiff had until January 15, 2009, to file an opposition to defendant's motion to dismiss. The time for plaintiff to file his opposition has come and gone without him doing so.

Plaintiff's failure to file an opposition to defendant's motion to dismiss is deemed by this Court as plaintiff's consent to the granting of the same. See Local Rule 7-12 ("The failure to file

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any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion"); see also *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (holding that district court did not err in summarily granting defendants' motion to dismiss pursuant to a local rule where the pro se plaintiff had time to respond to motion but failed to do so).

Accordingly, defendants' motion to dismiss is **GRANTED** and all the claims in the complaint are hereby **DISMISSED**.

The previously noticed January 26, 2009, hearing on the motion to dismiss is hereby **VACATED**.

IT IS SO ORDERED.